

**BRISTOL BAY NATIVE ASSOCIATION**

**P.O. BOX 310**

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**RESOLUTION 2012-04**

**A RESOLUTION IN SUPPORT OF BBNC'S RECOMMENDATIONS FOR PROACTIVE EPA ACTION TO PROTECT THE WATERS AND SALMON OF BRISTOL BAY**

- WHEREAS:** the Bristol Bay Native Association is an Alaska Native regional non-profit corporation and a consortium of the 31 federally recognized tribes of the Bristol Bay region; and
- WHEREAS:** the watershed of the Bristol Bay region supports the world's most prolific wild salmon runs; and
- WHEREAS:** the salmon of Bristol Bay are a revered renewable resource that has been harvested sustainably for millennia and are central to the cultural traditions of the diverse Alaska Native cultures of the region; and
- WHEREAS:** salmon harvesting is essential to the continued cultural and economic viability of the region's inhabitants and to the economic well-being of the State of Alaska; and
- WHEREAS:** the headwaters of the Kvichak and Nushagak Rivers of Alaska's Bristol Bay region are hydrologically complex and sensitive areas, and are a source of significant numbers of Bristol Bay salmon; and
- WHEREAS:** the federal Clean Water Act regulates the placement of dredge and fill material into waters of the United States to help reach the national goal of restoring and protecting our nation's waters, and the United States Environmental Protection Agency (EPA) has authority to proactively place restrictions on such Clean Water Act permits to prevent unacceptable adverse effects on fisheries and other resources; and
- WHEREAS:** the massive scope of the proposed Pebble mine, the importance and sensitivity of the Kvichak and Nushagak river drainages in which the Pebble ore deposit is located, and the known facts about the persistence and permanence of impacts to water quality from large scale metallic sulfide mining are clear indicators that unrestricted mining of the Pebble ore deposit would have unacceptable effects on Bristol Bay salmon; and
- WHEREAS:** the Bristol Bay Native Corporation (BBNC) has recommended to EPA that EPA use its authority to proactively impose restrictions on regulated

discharges of dredged or fill material (*i.e.*, mine waste) that would result from mining operations of the Pebble ore deposit, including the following:

- 1) a prohibition on discharge of mine waste into salmon habitat;
- 2) a prohibition on the discharge of mine waste that does not meet testing requirements demonstrating that such material is not toxic to aquatic life; and
- 3) a prohibition on the discharge of mine waste where runoff or seepage from the waste would require treatment in perpetuity; and

**WHEREAS:** these proposed restrictions are well-founded in EPA and U.S. Army Corps of Engineers Section 404 policy and practice, as well as consistent with State of Alaska policy and practice for Alaska waters; and

**WHEREAS:** proactively applying these restrictions presents a reasonable approach because it provides up-front certainty to industry, area tribes and the general public of conditions under which the agencies would consider any Section 404 mining permit for the Pebble ore deposit.

**NOW THEREFORE BE IT RESOLVED** by the Board of Directors of the Bristol Bay Native Association that it supports BBNC's recommendations and proactive EPA action to impose the above proposed restrictions on any Clean Water Act Section 404 permit related to the proposed mining of the Pebble ore deposit.

  
Chairman of the Board

**CERTIFICATION:**

I, the undersigned Secretary of the Bristol Bay Native Association, do hereby certify that the Board of Directors of the Bristol Bay Native Association passed the foregoing resolution at a duly called and noticed meeting on this 23<sup>rd</sup> day of March, 2012, and that a quorum was present.

  
Secretary